708 HILLS



BUILDING AND STANDARDS BOARD AGENDA ITEM #11 FOR WEDNESDAY, FEBRUARY 27, 2014

ENVIRONMENTAL SERVICES DEPARTMENT CODE COMPLIANCE DIVISION

MEMORANDUM February 14, 2014

TO: The Honorable Chairman and Board Members

THROUGH: Elda Rodriguez-Hefner, Division Manager, Code Compliance Department

FROM: Ron Roth, C.B.O., Deputy Building Official

SUBJECT: 708 Hills Street, El Paso, Texas, 79901-3039

The following is a brief chronology of the investigation of the referenced location:

On October 30, 2013, a hearing was held before the Building and Standards Commission at City Council Chambers and it was found that the structure located on said property is substandard, unfit for habitation or use, a hazard to the public health, safety and welfare, and that the structure is not in substantial compliance with the Municipal Ordinances regulating fire protection, structural integrity and disposal of refuse. The Building and Standards Commission ordered the certificate of occupancy remain revoked. That the structure be secured within thirty (30) days and maintained secure thereafter. To clear the property of all weeds, trash and debris within thirty (30) days from the date of this Order and maintain the property clean thereafter. That a registered contractor obtains the required permits to rehabilitate the structure within sixty (60) days; if not that the structure be demolished within sixty (60) days. That the owner appear before this Panel at it's next scheduled meeting with valid Building permits, a report of reasonable progress; and to determine if the Building and Standards Commission order dated October 30, 2013 has been complied with and if not to determine penalties. Certified notices of the public hearing scheduled for February 27, 2014, were mailed to the owner and all interested parties on February 12, 2014.

The owner has been notified of the property violations at this property and has received a copy of the Building and Standards Commission order dated October 30, 2013 of the need to comply with the orders stated above. To date, the plans have not been submitted, the required permits have not been obtained, the property has not been maintained clean and a rock wall has been erected without the required permits, and therefore the Department recommends that it be found:

- 1) That penalties be assessed in accordance with Municipal Code 2.38.070B.1c of up to \$1,000.00 per day from December 31, 2013 through today for noncompliance; and
- 2) That the structure be demolished within thirty (30) days; and
- 3) That the premises be cleaned and maintained clean of all weeds, trash, and debris within thirty (30) days; and
- 4) That upon failure by the owner or any other interested party to comply with the order of the Building and Standards Commission the City may take whatever action is necessary to bring the property into compliance, and place a lien on the property for the work which will be done by the City.

NOTICE OF PUBLIC HEARING

To All Interested Parties:

The owners, mortgagee, lienholders and any others with a legal interest in the property described below are hereby ordered to appear before the Building and Standards Commission, herein referred to as the "Commission", at the following time and place:

LOCATION: El Paso City Hall, City Council Chambers, 300 N. Campbell, 1st Floor, El Paso, Texas 79901

DATE: February 27, 2014

TIME: 5:30 p.m.

PROPERTY: 708 S. Hills, EL PASO, TEXAS also described as Lots 14 and 15, Block 48, MAGOFFIN ADDITION, El Paso County, Texas, according to the plat thereof, recorded in Records for El Paso County, Texas.

The property which is subject to Building and Standards Commission Orders dated **October 30, 2013** (the "previous orders") has been brought into compliance with said Orders, and if not to determine penalties.

According to the real property records of the County of El Paso, Texas, Rafael Yepiz (the "Owner"), 2357 Tierra Blanda Drive, El Paso, TX 79938, is listed as the owner of the real property described herein.

The Owner is entitled to show cause that the Property is safe, does not constitute a dangerous structure and should not be declared a nuisance and ordered abated by presenting relevant evidence and testimony. If the Owner advocates for repair, then they bear the burden of proof to demonstrate the scope of any work that may be required to bring the property into compliance with Chapter 18.50 and the time it will take to reasonably perform the work. The allowable time periods for repair are governed by Texas Local Government Code, Sections 214.001(h), (i), (j) and (k). Any document relied upon to demonstrate that the Property is safe or that it can be repaired must be presented to the Commission at the hearing, including building plans, specifications, drawings, or reports from professionals and any other relevant documentation.

If the Owner fails to comply with the order of the Commission the City may pursue one or more of the following actions:

Perform any and all work necessary to bring the property into compliance with the Commission's order;

Assess civil penalties, provided for in the Commission's order, in an amount not to exceed \$1,000 per day or \$10 per day if the Property has a homestead exemption, that will accrue interest of 10% per year until paid in full;

Appoint a receiver as permitted by state law, and

Any other remedies permitted by state law.

Commission orders may be appealed to the State District Court within 30 days of the Final order. The Commission's authority and procedures in regard to a Dangerous Structure Hearing may be found in Chapter 2.38 of the El Paso City Code and in their duly adopted bylaws. The bylaws may be obtained at the Code Compliance Division of Environmental Services, 7969 San Paulo Drive, El Paso, Texas 79907 or by calling (915) 599-6290.

This notice will be recorded in the real property records of El Paso County and will be binding on subsequent grantees, lien holders or other transferees of an interest in the Property.

The City Clerk is ordered to provide notice of this hearing to the record owners and all other interested parties, required by law, who are listed following this notice, and file this notice in the real property records of El Paso County.

FAILURE OF THE OWNER AND/OR LIENHOLDER OR MORTGAGEE TO TAKE THE ORDERED ACTION MAY RESULT IN THE CITY TAKING THE ORDERED ACTION AND FILING A LIEN AGAINST THE PROPERTY.

The City of El Paso appreciates your cooperation and prompt attention to remedying the nuisances on the Property. Please do not hesitate to contact me should you have any additional questions, comments or concerns relative to this notice.

APPROVED AS TO FORM

Wendi N. Vineyard

Assistant City Attorney

APPROVED AS TO CONTENT

Deputy Building Official

I, RICHARDA DUFFY MOMSEN, City Clerk of and correct copy of the foregoing Notice regarding Texas 79901-3039, was PUBLISHED in the of of, 2014.	the property located at, 708 S Hills, El Paso,
	Richarda Duffy Momsen
I certify that a true and correct copy of the foregoin 708 S Hills St, El Paso, Texas 79901-3039 was MAREQUESTED to:	
Rafael Yepiz 2357 Tierra Blanda El Paso, Texas 79938	
	Date: Time: Inspector:
I certify that a true and correct copy of the foregoin 708 S Hills St, El Paso, Texas 79901-3039 was MAREQUESTED to:	
Ralph Miranda, Trustee 4621 Pershing El Paso, Texas 79903	
	Date: Time: Inspector:
I certify that a true and correct copy of the foregoin 708 S Hills St, El Paso, Texas 79901-3039 was HA	
City of El Paso C/O City Clerk 300 N. Campbell El Paso, TX 79901	
	Date:
	Time: Inspector:
	mopector

I certify that a true and correct copy of the foregoing Notice regarding the property at 708 S Hills St, El Paso, Texas 79901-3039 was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Governor of the Ysleta Del Sur Pueblo Indian Tribe

AKA Tigua Indian Community	
119 S. Old Pueblo Road	
El Paso, Texas 79907	
,	Date:
	Time:
	Inspector:
I certify that a true and correct copy of the fore 708 S Hills St, El Paso, Texas 79901-3039 wa REQUESTED to:	
El Paso Central Appraisal District 5801 Trowbridge Ave.	
El Paso, Texas 79925	
	Date:
	Time:
	Inspector:
I certify that a true and correct copy of the fore 708 S Hills St, El Paso, Texas 79901-3039 wa REQUESTED to:	
El Paso County Clerk, Probate Dept.	
500 E. San Antonio Avenue, Suite 105	
El Paso, Texas 79901	
,	Date:
	Time:
	Inspector:
I certify that a true and correct copy of the fore	egoing Notice regarding the property at

708 S Hills St, El Paso, Texas 79901-3039 was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Delgado, Acosta, Spencer Linebarger, Heard & Perez, LLP Attn: Bonnie Cooper 221 N. Kansas Suite 1400 El Paso, TX 79901

Date:		
Time:		
Inspector:		

I certify that a true and correct copy of the foregoing Notice was POSTED	at
708 S Hills St, El Paso, Texas 79901-3039, El Paso, Texas.	

Date:	
Time:	 _
Inspector:	

El Paso CAD

Property Search Results > 58085 YEPIZ RAFAEL for Year 2014

Property					
Account					
Property ID:	58085	Legal Descripió	on: 48 MAGOFFIN 14 & 15	(6000 SO ET)	
Geographic ID:	M02899904806100	Agent Code:		, , , , , , , , , , , , , , , , , , , ,	
Type:	Resit				
Property Use Code:		•			
Property Use Description	an:				
Location					
Address:	708 SHILLS ST EL PASO, TX	Mapsco:		* * · · · · · ·	
Neighborhood:		Map ID:	Z-14		
Neighborhood CD:	DM02800000	,			
Owner					
Name:	YEPIZ RAFAEL	Owner ID:	989894	4 4 4 F F F F F F F F F F F F F F F F F	
Mailing Address:	2357 TIERRA BLANDA I		100.0000000000%		
main ig mourocu.	EL PASO, TX 79938-446		100.0000000000		
		Exemptions:			
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(+) Improvement Non-H		N/A			
(+) Land Homeelte Valu		NVA			
(+) Land Non-Homesite		N/A Ag/Tim	iber Use Value		
(+) Agricultural Market \		N/A	N/A		
(+) Timber Market Value	stion: +	N/A	N/A		
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(≅) Appraised Value:	=	N/A			
() HS Cap:	400	N/A			
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(=) Assessed Value:	=	N/A			
axing Jurisdiction			*1 ** ** ** ** **	N - 0 1 - 1 - 1 - 1 - 1	*** *****
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Owner: YEPIZ R					
% Ownership: 100,0000	000000%				
Total Value: N/A					
Entity Description		Tax Rate An	praised Value	Taxable Value Estim	atad Tay
	RAISAL DISTRICT	N/A	N/A	N/A	N/A
CEP CITY OF EL PA		N/A	N/A	N/A	7 8 42 11 M
G01 EL PASO COUN		N/A	7.1		N/A
IEP EL PASO LS.D.	W11		N/A	N/A	N/A
	al listeria energy of evene	N/A	N/A	N/A	N/A
	AUNITY COLLEGE	N/A	N/A	. N/A	N/A
	EDICAL CENTER OF EL PA		N/A	N/A	N/A
Total Tax Rate:		N/A			
*			Taxes w/Cu	rrent Exemptions:	NA

Avalos, Nellie

Subject:

FW: 708 Hills

From: Castle, Linda

Sent: Wednesday, December 08, 2010 12:17 PM

Cc: Arriola, Ernesto A. Subject: 708 Hills

Nellie,

- I only find one person living at 708 Hills in 1956 Polk Directory
- There is no 708-1/2 Hills listed
- The 1955 zoning code had standards for the A-3 zone district that are almost the same as today
- We can register the portion of the building that existed in 1956 aerial as to setbacks, probably front and side setbacks.
- Any conversion to apartments after 1955 would have required adhering to the standards in the code and, if he
 wants apartments now, he needs to comply with current code requirements.
- · We will call the owner and let him know.

Linda

Linda J. Castle
Senior Planner
City of El Paso Planning and Economic Development
2 Civic Center Plaza - 5th Floor
El Paso, Texas 79901
Phone (915) 541-4029 Fax (915) 541-4725
castlelj@elpasotexas.gov

ORDER No. ENHS12-00550 OF THE CITY OF EL PASO BUILDING AND STANDARDS COMMISSION

An order of the Building and Standards Commission (the "Commission") abatement of the substandard and dangerous structures located at 708 Hills St., El Paso, Texas, also described as: Lots 14 and 15, Block 48, MAGOFFIN ADDITION, El Paso County, Texas, according to the plat thereof, recorded in Records for El Paso County, Texas.

WHEREAS, the Commission finds that proper notice has been provided as required by Chapter 2.38 of the El Paso City Code to the identified interested party, identified as Rafael Yepiz, 2357 Tierra Blanda, El Paso, TX, 79938, herein after collectively referred to as the "Owner"; and

WHEREAS, Owners did appear along with Representative; and

WHEREAS, based on the evidence presented, the Commission finds the Property is in violation of 18.50 of the El Paso City Code; and

WHEREAS, the structure constitutes to be a dangerous structure and, as such, is a muisance condition that constitutes a hazard to the health, safety and welface of the citizens and is likely to endanger persons and property; and

WHEREAS, the Commission takes notice of and incorporates all evidence presented at the hearing and incorporates the same into the body of this Order for all purposes;

THEREFORE, IT IS ORDERED ADJUDGED AND DECREED BY THE CITY OF EL PASO BUILDING AND STANDARDS COMMISSION:

- 1. The Owners are hereby ordered to:
 - a. That the structure's certificate of occupancy remain revoked; and
 - That the multi-family structure be secured and maintained secure within thirty (30) days; and
 - That the premises be cleaned of all weeds, trash and debris within thirty (30) days and maintained clean thereafter; and
 - d. Must submit plans and obtain required permits within sixty (60) days; and
 - All work performed at the Property must be done in compliance with all
 applicable sections of the El Paso City Code and state and federal
 regulations and statutes.

THE NOV 13 FH 12: 39

- Alternatively, if the Owner fails to comply with this Order, the City of El Paso, through the Code Compliance Division of the Environmental Services Department, may:
 - a. Demolish structures within sixty (60) days;
 - Clear the Property of all weeds, trash and debris within thirty (30) days;

Seek reimbursement from the Owners for the cost of complying with this order and that the expense if not satisfied, shall result in a lien being placed against the Property.

- When this Order has been filed in the real property records of El Paso County it is binding on subsequent grantees, lienholders, or other transferees of an interest in the Property.
- 4. REHEARING: a person affected by this order may request a rehearing by the same Commission panel that issued this Order. Only ONE hearing may be requested. The Building and Standards Commission may grant a rehearing only under the following circumstances:
 - Proper request is made within twenty (20) days of receipt of notice of the Order of the Commission; and
 - b. No appeal of this Order has been taken as allowed pursuant to paragraph 6, below; and
 - c. Rehearing fees of five hundred and forty dollars (\$540.00) are furnished with the rehearing request. The rehearing request shall state the basis for requesting the rehearing. The Building and Standards Commission may waive these fees in cases of financial hardship based on written affirmation from the applicant.
- RIGHT TO APPEAL: The decision of the Building and Standards Commission is the final administrative remedy. An appeal may be filed by verified petition in State District Court, Petition for appeal must be within thirty (30) days of receipt of this Order. All appeals to the district court will be heard de novo.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that the City Clerk shall cause copies of this Order to be served on the record owner(s) and all other persons having interest in the property as provided by law.

ZOB HOW IS THIS: 39

According to the real property records of El Paso County, you own or have an interest in the property described in this notice. If you no longer own or have an interest in the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice.

The Order was agreed and accepted by the Building and Standards Commission on October 30, 2013 and will be deemed entered upon the signature of the Chairman of the Building and Standards Commission.

ADOPTED on this /2 day of November, 2013.

BUILDING AND STANDARDS COMMISSION

Andrew Haggerty, Chairman, Panel F

APPROVED AS TO FORM:

Wendi Vineyard

Assistant City Attorney

APPROVED AS TO CONTENT:

Ron Roth, C.B.O., Chief Building Inspector

City Development Department

CITY CLERK DEPT. 2013 HOV 13 PH 12: 39



ENVIRONMENTAL SERVICES DEPARTMENT CODE COMPLIANCE DIVISION

HAND-DELIVERY RECEIPT

то:	Rafael Yepiz 2357 Tierra Blanda Dr 21 Paso TX 79938 (915) 282-1680
SENDER: DATE: RE:	Petacl Balli-Bedange 5/2/13 708 Hills Final Order
DOCUMENT DE	LIVERED:
Final	Order of BSC Order ENHS18-00550
RECEIVED BY:	Print Name
DATE/TIME RECEIVED:	5/2/13 9:57am Date TIME
	Document # (Date)

CITY CLERK DEPT. 10 OCT -7 PM 2: 00

ORDER OF THE BUILDING AND STANDARDS COMMISSION OF THE CITY OF EL PASO

WHEREAS, the Director of Development Services of the City of El Paso has conducted an investigation and has reported to the Building and Standards Commission in writing that he is of the opinion that the structure located on the property at **708** Hills St., in El Paso, Texas, which property is more particularly described as follows:

Legal Description: Lots 14 and 15, Block 48, MAGOFFIN ADDITION, El Paso County, Texas according to the plat thereof, recorded in Records for El Paso County Texas and municipally known as 708 $\frac{1}{2}$ S. Hills Street, El Paso, Texas.

is dilapidated and substandard and a hazard to public health, safety, and welfare; does not meet the minimum standards for continued use and occupancy contained in 18.50 of the El Paso City Code; and

WHEREAS According to the real property records of the County of El Paso, Texas, Francis Febres and Ricardo Vasquez, 708 1/2 South Hills Street, El Paso, Texas, 79901, (the "Owners"), are listed as the owners, were duly notified according to law to appear at a public hearing before the Building and Standards Commission at 5:30 p.m. on September 29, 2010; and

WHEREAS, Lorenozo Alaniz, representative, appeared.

IT IS THEREFORE, ORDERED ADJUDGED AND DECREED BY THE BUILDING AND STANDARDS COMMISSION OF THE CITY OF EL PASO:

- That having heard the evidence, and being persuaded by a preponderance of same, the Building and Standards Commission makes the following findings:
 - That the structure located on said property is an urban nuisance; and
 - B. That the structure located on said property is currently unsafe, substandard, unfit for human habitation or use, and therefore a hazard to the public health, safety, and welfare; and
 - C. That the structure is not in substantial compliance with municipal ordinance regulating fire protection, structural or service systems integrity and disposal of refuse; and
 - That the certificate of occupancy be revoked; and
 - E. That the structure can be rehabilitated; and
 - F. That in order to be made safe, all of the aforementioned violations must be corrected.

- That the Building and Standards Commission hereby orders the structure's certificate of occupancy revoked and the Owner(s) to comply with the following requirements:
 - A. That the structure be vacated within thirty (30) days; and
 - That the structure be secured within thirty (30) days and maintained secured; and
 - C. That the premises be cleaned of all weeds, trash, and debris within thirty (30 days and be maintained clean of all weeds, trash, and debris.
- That upon failure of the Owner(s) to comply with this Order, any mortgages, lienholders, and/or other persons having an interest in the property have an additional ten (10) days to comply with the order of the Building and Standards commission.
- 4. That upon failure of the Owner(s), mortgages, lienholders, and/or any other person having an interest in the property to comply with this Order, the City of El Paso, through its Code Compliance Division of the Environmental Services Department, may:
 - A. Secure the structure; and
 - B. Clean the property of all weeds, trash and debris; and
 - C. Provide for any other remedies permitted by state law
- That upon failure of the Owner(s) to comply with this Order, the City of El Paso through its Code Compliance Division of the Environmental Services Department may request a hearing before the Building and Standards Commission to:
 - A. Determine the amount and duration of civil penalties the City of El Paso may recover for failure to comply with this Order as allowed by Texas Local Government Code Chapter 54; and
 - B. Provide any other remedies permitted by State law.
- 6. When this Order has been filed in the deed records of the county in which the property that is the subject of this Order is located, execution of this Order shall not be affected by a sale or other transfer of such property. Any person or entity acquiring an interest in such property after this Order has been so filed is subject to the requirements of this Order.
- 7. REHEARING: a person affected by this order may request a rehearing by the same Building and Standards Commission panel that issued this Order. Only ONE hearing may be requested. The Building and Standards Commission may grant a rehearing only under the following circumstances:

CITY CLERK DEPT.

Proper request is made within twenty (20) days of receipt of notice of the Order of the Commission; and

10 OCT -7 PM 2: 00 B.

No appeal of this Order has been taken as allowed pursuant to paragraph 8, below; and

- C. Rehearing fees of five hundred and forty dollars (\$540.00) are furnished with the rehearing request. The rehearing request shall state the basis for requesting the rehearing. The Building and Standards Commission may waive these fees in cases of financial hardship based on written affirmation from the applicant.
- 8. RIGHT TO APPEAL: The decision of the Building and Standards Commission is final. An appeal may be filed by verified petition in State District Court, setting forth that the decision of the Commission is illegal, in whole or in part, and specifying the grounds of the illegality. Petition for appeal must be filed by the owner(s) or interested party within thirty (30) days of receipt of notice of the Order of the Commission in this matter. Appeals in District Court are limited to hearings under the substantial evidence rule.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that the City Clerk shall cause copies of this Order to be served on the record owner(s) and all other persons having interest in the property as provided by law.

According to the real property records of El Paso County, you own or have an interest in the property described in this notice. If you no longer own or have an interest in the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office no later than the twentieth (20th) day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice.

ADOPTED on this 29th day of September, 2010.

BUILDING AND STANDARDS COMMISSION

Gregory Bowling, Chairman, Panel A

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Cynthia Osborn Assistant City Attorney

Bill Stern, C.B.O., Deputy Building Official Code Compliance Division

CITY CLERK DEPT. 10 DCT -7 PM 2: 00

